

**2009 DRAFTING REQUEST**

**Bill**

Received: **01/22/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Tim Carpenter (608) 266-8535**

By/Representing: **Stuart Ewy**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **EVM, PG, TTK**

Submit via email: **YES**

Requester's email: **Sen.Carpenter@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Prohibiting the use of cellular telephones and other wireless telecommunications devices while operating school buses and alternative

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**Instructions:**

See attached

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**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>      | <u>Reviewed</u>      | <u>Typed</u>           | <u>Proofed</u> | <u>Submitted</u>       | <u>Jacketed</u>       | <u>Required</u> |
|--------------|---------------------|----------------------|------------------------|----------------|------------------------|-----------------------|-----------------|
| /?           | agary<br>01/26/2009 | bkraft<br>01/27/2009 |                        | _____          |                        |                       |                 |
| /1           |                     |                      | jfrantze<br>01/28/2009 | _____          | sbasford<br>01/28/2009 | mbarman<br>02/23/2009 |                 |

FE Sent For: **NONE**

**<END>**

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /?           | agary          | /1 bjk 1/27     | Jo           | Belf<br>1/28   |                  |                 |                 |

FE Sent For:

<END>

**Gary, Aaron**

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**From:** Ewy, Stuart  
**Sent:** Thursday, January 22, 2009 1:23 PM  
**To:** Gary, Aaron  
**Subject:** RE: Drafting Request

Yes, as amended and passed by the Senate. Thanks very much!  
-Stuart

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**From:** Gary, Aaron  
**Sent:** Thursday, January 22, 2009 1:03 PM  
**To:** Ewy, Stuart  
**Subject:** RE: Drafting Request

Stuart,

I have entered this request as LRB-1719.  
Do you want this redrafted as passed by the senate (i.e. with SA1)? Thanks. Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

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**From:** Ewy, Stuart  
**Sent:** Thursday, January 22, 2009 11:23 AM  
**To:** Gary, Aaron; LRB.Legal  
**Subject:** Drafting Request

Aaron Gary

Hi Aaron—

Could you please redraft 2007 SB 442 relating to the use of cellular telephones and other mobile devices including texting devices (exempting two way or cb radios per the amendment that was accepted in the committee) while operating certain motor vehicles transporting children and providing a penalty.

Let me know if you have any questions or concerns.

Regards,

G. Stuart Ewy  
Office of Senator Tim Carpenter  
State Capitol 306 S  
608.266.8535

**SENATE AMENDMENT 1,  
TO 2007 SENATE BILL 442**

**INSERT**

February 25, 2008 - Offered by Senator CARPENTER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 21: delete the material beginning with "any" and ending with  
3 "radio or" on line 22.

4 **2.** Page 3, line 1: after "include" insert any 2-way radio or citizens band radio  
5 or.

6 (END)

Insert  
3-1

9 10  
2007 - 2008 LEGISLATURE

LRB-2008-1

ARG:KJ:rs

9  
in 1/26  
bjk (RMNR)  
2007 SENATE BILL 442

SA ✓  
x-ref ✓  
(Insert)  
February 4, 2008 - Introduced by Senators CARPENTER, LEHMAN and SCHULTZ, cosponsored by Representatives KERKMAN, ZEPNICK, HIXSON, POPE-ROBERTS, BOYLE, TURNER, A. OTT and BALLWEG. Referred to Committee on Education.

- regen.  
1 AN ACT *to create* 343.20 (1) (d) 3., 346.94 (20) and 346.95 (10) of the statutes;  
2 **relating to:** the use of cellular telephones and other devices while operating  
3 certain motor vehicles transporting children and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

This bill generally prohibits a person operating a school bus or another vehicle transporting pupils from using a cellular telephone or other wireless telecommunications device while the school bus or other vehicle is on the roadway or loading or unloading passengers. This prohibition does not apply if a cellular telephone, or a wireless telecommunications device capable of real-time voice communications, is used to make an emergency "911" telephone call or communicate with specified emergency responders or service providers regarding an emergency situation. A person who violates this prohibition must forfeit \$200 for the first offense and \$500 for each subsequent offense occurring within two years. In addition, for the second or subsequent offense within two years, the Department of Transportation must cancel the "S" endorsement, authorizing the operation of school buses, to the person's operator's license and the person may not reinstate the "S" endorsement to his or her operator's license for six months.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

## SENATE BILL 442

## SECTION 1

X  
1       **SECTION 1.** 343.20 (1) (d) 3. of the statutes is created to read:

2       343.20 **(1)** (d) 3. The department shall cancel an operator's license that is  
3       endorsed for the operation of school buses under s. 343.12, regardless of the license  
4       expiration date, upon receiving a record of conviction showing that the person has  
5       been convicted of a violation of s. 346.94 (20) or a local ordinance in conformity with  
6       s. 346.94 (20), if the person was previously convicted of a violation of s. 346.94 (20)  
7       or a local ordinance in conformity with s. 346.94 (20) within the immediately  
8       preceding 2 years. Upon cancellation of an operator's license under this subdivision,  
9       the person may obtain from the department, without charge, an operator's license  
10      that is not endorsed for the operation of school buses and, after 6 months from the  
11      date of the license cancellation, may apply for reinstatement of the endorsement  
12      authorizing the operation of school buses.

X  
13      **SECTION 2.** 346.94 (20) of the statutes is created to read:

14      **346.94 (20) USE OF CELLULAR TELEPHONES AND OTHER DEVICES WHILE OPERATING**  
15      **CERTAIN VEHICLES TRANSPORTING CHILDREN.** (a) In this subsection:

16      1. "Alternative pupil transport vehicle" means a motor vehicle used to provide  
17      pupil transportation services and that is being operated as an alternative method of  
18      transportation under s. 121.555 (1) or is a motor bus being operated for purposes of  
19      transporting pupils to or from curricular or extracurricular activities.

20      2. "Operate" has the meaning given in s. 343.305 (1) (c).

21      3. "Wireless telecommunications device" means any two-way radio or citizens

22      band radio or any personal digital assistant or other device while being used by the  
23      device's operator to transmit verbal communications, electronic mail, text messages,  
24      or any other electronic communication to one or more persons not physically present

## SENATE BILL 442

insert 3-1

1 with the device's operator, but does not include any global positioning system device  
2 installed in or on a vehicle.

3 (b) 1. Except as provided in subd. 2., no person may operate a school bus or  
4 alternative pupil transport vehicle on the roadway of a highway, or load or unload  
5 passengers onto or from a school bus or alternative pupil transport vehicle, while  
6 using a cellular telephone or other wireless telecommunications device.

7 2. Subdivision 1. does not apply to the use of a cellular telephone, or of any  
8 wireless telecommunications device capable of real-time voice communications, to  
9 make an emergency "911" telephone call or communicate with an emergency system  
10 response operator, police department, fire department, ambulance or emergency  
11 medical technician service, or hospital or emergency care facility regarding an  
12 emergency situation.

13 **SECTION 3.** 346.95 (10) of the statutes is created to read:

14 346.95 (10) Any person violating s. 346.94 (20) shall forfeit \$200 for the first  
15 offense and \$500 for each subsequent offense occurring within 2 years.

16 **SECTION 4. Effective date.**

17 (1) This act takes effect on the first day of the 3rd month beginning after  
18 publication.

19 (END)



**Parisi, Lori**

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**From:** Ewy, Stuart  
**Sent:** Monday, February 23, 2009 12:58 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-1719/1 Topic: Prohibiting the use of cellular telephones and other wireless telecommunications devices while operating school buses and alternative

Please Jacket LRB 09-1719/1 for the SENATE.

Thank you very much,

Regards,

G. Stuart Ewy  
Office of Senator Tim Carpenter  
State Capitol 306 S  
608.266.8535